

### **REMARKS/ARGUMENTS**

The Office Action of January 14, 2008, has been carefully reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested. Claim 25 has been amended to be in a more preferred form. Claim 28 has been canceled without disclaimer or prejudice. Claims 32-34 have been added. No new matter has been added. Claims 1-27, and 29-34 remain in this application.

#### **Interview Summary**

Applicant thanks the Examiner for the courtesies extended during the interview of March 19, 2008. During the interview, the Examiner and Applicant's undersigned representatives discussed the propriety of the claim rejections in view of the primary reference (U.S. Patent No. 5,880,768 issued to Lemmons), cited by the Office Action of January 14, 2008. The Examiner indicated that he would reconsider Lemmons and the rejections in view of Applicant's remarks.

#### **Rejections under 35 U.S.C. § 103**

Claims 1-5, 10-11, 13-17, 22-23, 25-27 and 29-31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,880,768 to Lemmons ("Lemmons '768") in view of U.S. Patent No. 6,754,906 to Finseth, ("Finseth"). Claims 6-7, 12, 18-19 and 24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lemmons '768 and in view of Finseth, and further in view of U.S. Patent No. 6,481,011 to Lemmons ("Lemmons '011"). Claims 8-9 and 20-21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lemmons '768 in view of Finseth, further in view Lemmons '011, and further in view of U.S. Patent No. 6,732,367 to Ellis et al. ("Ellis").

#### **Independent claims 1, 13, and 25; Dependent Claims 2-5, 10-11, 14-17, 22-23, 26-27 and 29-31**

The Office Action alleges that a combination of Lemmons '768 and Finseth teaches or suggests all of the features of claims 1 and 13. The Action relies on Lemmons '768 to allegedly show the features of determining a number of block instances available to a viewer in an interactive three-dimensional programming guide (IPG); determining a number of available

information attribute sets to be presented to the viewer; comparing the number of block instances with the number of available information attribute sets; and based on the comparison, mapping the available information attribute sets to the number of available block instances to generate mapped block instances as recited in claims 1 and 13. Applicant respectfully reiterates and submits again that neither Lemmons '768 nor Finseth, alone or in combination, teaches or suggests features of claims 1 and 13.

The Action asserts, at page 4, that the searching and sorting steps performed by the set-top box as "comparing the number of block instances with the number of available information attribute sets" as recited in claims 1 and 13. Applicant respectfully disagrees with the Action's assertions. In particular, neither the searching nor the sorting steps performed by the set-top box in Lemmons '768 teaches or suggests comparing the *number* of block instances with the *number* of available information attribute sets as recited by claims 1 and 13. Lemmons '768 describes the searching step as determining the "programs that meet the chosen search selection criterion" and the sorting step as determining "the order indicated by the chosen sort attribute." See Lemmons '768, col. 14, lines 42-47. However, Lemmons '768 fails to teach or suggest that either of these steps includes a comparison of the *number* of block instances with the *number* of available information attribute sets as recited in claims 1 or 13.

The Action also alleges that Lemmons '768 teaches or suggests the feature of based on the comparison, mapping the available information attribute set to the number of available block instances to generate mapped block instances as recited in claims 1 and 13. However, the cited passage of Lemmons '768 (col. 14, lines 27-30) merely discloses that programs meeting the default search selection criterion are made available for viewer selection. Even assuming, but not conceding, that making the programs which meet the default search criterion available for user selection constitutes mapping the available information attribute set to the number of available block instances to generate mapped block instances, Lemmons fails to teach or suggest that making these programs available for selection *is based on the comparison of the number of block instances with the number of available information attribute sets* as recited in claims 1 and 13. In contrast, the Lemmons '768 describes that a program is made available based on that

program meeting the default search criterion. As such, the cited passage falls short of the recited, based on the comparison, mapping the available information attribute set to the number of available block instances to generate mapped block instances as found in claims 1 and 13.

Finseth (col. 12, lines 29-65) describes a channel list receiver using organizational categories and structures to determine which program objects will be used to fill in its template for electronic program guide and an electronic information guide displaying program information which falls under a broad organization category and further organizes the information using sub-categories, wherein the information is then displayed to the user by spatially arranging the organizational topics and/or program information. Nonetheless, there is no teaching or suggestion in Finseth of comparing the number of block instances with the number of available information attribute sets nor is there a teaching or suggestion of, based on the comparison, mapping the available information attribute sets to the number of available block instances to generate mapped block instances, as recited in claims 1 and 13. Accordingly, Finseth fails to cure the deficiencies of Lemmons '768 as discussed above.

Claims 2-4, 10-11, 14-17 and 22-23 which ultimately depend from claims 1 or 13 are patentably distinguishable from the combination of Lemmons '768 and Finseth for at least the same reasons as their respective base claims and further in view of the additional novel features recited therein.

Claim 25 recites, *inter alia*, a first queue to store active data elements and a second queue to store inactive data elements, wherein a number of block instances is compared with a number of available data elements, and wherein based on the comparison, the active data elements are displayed in visible block instances in an interactive three-dimensional programming guide (IPG), and wherein the visible block instances are displayed contiguously. The Action alleges that the feature of a number of block instances is compared with a number of available data elements as recited in claim 25 is described by the searching and sorting steps performed at the set-top box discloses. However, Lemmons '768 describes the searching step as determining the "programs that meet the chosen search selection criterion" and the sorting step as determining "the order indicated by the chosen sort attribute." See Lemmons '768, col. 14, lines 42-47.

Notably, Lemmons '768 fails to teach or suggest that either of these steps includes a comparison of the *number* of block instances with the *number* of available data elements as recited in claims 25. As such, claim 25 is allowable for at least these reasons.

Claims 27 and 29-31 depend from claim 25 and are allowable for the same reasons as claim 25 and further in view of the additional novel and non-obvious features recited therein.

#### Dependent claims 6-7, 12, 18-19 and 24

With respect to claims 1 and 13, Lemmons '011 fails to cure the above-identified deficiencies of Lemmons '768 and Finseth. Claims 6-7, 12, 18-19, and 24 which depend from claims 1 and 13 are thus allowable over the asserted combination of Lemmons '011, Lemmons '768 and Finseth for at least the same reasons as their ultimate base claim and further in view of the additional novel and non-obvious features recited therein.

#### Dependent claims 8-9 and 20-21

With respect to claims 1 and 13, Ellis fails to cure the above-identified deficiencies of Lemmons '768, Finseth, and Lemmons '011. Therefore, notwithstanding the propriety of the asserted combination of Ellis, Lemmons '768, Finseth, and Lemmons '011, the asserted combination fails to teach or suggest the features recited in claims 1 and 13. Claims 8-9 and 20-21 which depend from claims 1 and 13 are thus allowable for at least the same reasons as their ultimate base claim and further in view of the additional advantageous features recited therein.

#### New claims 32-34

Applicant submits that support for new claims 32-34 is at least found at FIG. 3 and its corresponding description at ¶[0028]. Claims 32-34 ultimately depend on claims 1, 13, and 25 respectively, and are thus allowable for at least the same reason as their ultimate base claims and in further view of the advantageous features recited therein.

For example, claim 32 recites, *inter alia*, the method of claim 3, wherein the display of each block instance mapped with the same information attributes as another block instance is identical. Claim 33 recites, *inter alia*, the system of claim 15, wherein the display of each block

instance mapped with the same information attributes as another block instance is identical. Claim 34 recites, *inter alia*, the system of claim 25, wherein two or more block instances display identical data elements. Notably, the art of record fails to teach or suggest the features of claims 32 -34. Therefore, claims 32-34 are allowable for this additional reason.

### **CONCLUSION**

All rejections having been addressed, Applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same. However, if for any reason the Examiner believes the application is not in condition for allowance or there are any questions, the examiner is requested to contact the undersigned at (202) 824-3156.

Respectfully submitted,  
BANNER & WITCOFF, LTD.

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By:           /Chunhsi Andy Mu/            
Chunhsi Andy Mu  
Registration No. 58,216

1100 13<sup>th</sup> Street, N.W., Suite 1200  
Washington, D.C. 20005-4051  
Tel: (202) 824-3000  
Fax: (202) 824-3001